

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

AMERICAN ASSOCIATION OF
UNIVERSITY PROFESSORS, et al.,

1:25-CV-10685 (WGY)

Plaintiffs,

-against-

MARCO RUBIO, et al.

Defendants.

**DECLARATION OF NOAM BIALE IN SUPPORT OF PLAINTIFFS' MOTION
TO PERMIT REMOTE TESTIMONY**

I, NOAM BIALE, an attorney admitted *pro hac vice* in this matter, hereby declare pursuant to 28 U.S.C. § 1746 as follows:

1. I am a partner at the law firm Sher Tremonte LLP and counsel to Plaintiffs in this matter.
2. I respectfully submit this declaration in support of Plaintiffs' motion for remote testimony.
3. On June 18, 2025, Defendants stated via e-mail that the government's position is that all witnesses should testify live at trial.
4. Veena Dubal is a professor of law at University of California Irvine School of Law and the general counsel for the AAUP.
5. Ms. Dubal submitted a declaration in support of Plaintiffs' Motion for a Preliminary Injunction, which details the effects of the Trump Administration's ideological deportation policy on the AAUP, the AAUP's campus chapters, and the AAUP's citizen and noncitizen members.

6. Ms. Dubal is the officer and member of AAUP who is best positioned to testify with firsthand knowledge about the enormous diversion of AAUP's resources caused by the Trump Administration's actions. Ms. Dubal is also uniquely situated to testify about the events, trainings, and discussions she helped organize to respond to AAUP noncitizen members' concerns about the ideological deportation policy.

7. Ms. Dubal is currently in London. Soon she will travel to Italy, where she will participate in and be the keynote speaker for an academic conference in Florence on June 26 and June 27, 2025. Ms. Dubal will remain in Italy until July 24, 2025, when she will fly back to California, where she lives. While in Italy, Ms. Dubal will be meeting with foreign workers who are union members as part of her ongoing research concerning the implementation of the Platform Work Directive recently passed by the European Union. From July 12 to July 24, 2025, Ms. Dubal will have family support to assist her with childcare while she performs research for her scholarly work. But the week of July 7, 2025, when the trial will take place, Ms. Dubal will be working and caring for her children in Italy by herself. There is no other family member or familiar adult available to care for Ms. Dubal's children in Italy the week of July 7.

8. Ms. Dubal is available to testify remotely during trial the week of July 7 or in person on July 28, 2025.

9. Cinzia Arruzza is a professor of philosophy and the Maria Stata professor of classical Greek Studies at Boston University. She is a non-citizen member of the AAUP. Ms. Arruzza has been a vocal supporter of Palestinians and critic of Israel in her public-facing advocacy.

10. Ms. Arruzza is one of the few noncitizen AAUP members willing to testify at trial about the effects of the government's ideological deportation policy on her speech.

11. Ms. Arruzza's travel schedule makes it extremely difficult for her to appear in person in Boston to testify the week of July 7, 2025. Ms. Arruzza is currently in Beijing for work and will be there until June 30, 2025. From Beijing, Ms. Arruzza will be traveling to Italy where she will arrive on July 2. She will remain in Italy until July 11, 2025. On July 11, 2025, Ms. Arruzza will travel to Poland. Ms. Arruzza will be in Poland until she returns to Boston on July 16, 2025.

12. Ms. Arruzza is available to testify remotely the week of July 7, 2025 or in person after July 16, 2025.

13. Nadia Abu El-Haj is a professor of anthropology at Barnard College, Columbia University and Co-Director of the Center for Palestine Studies ("CPS") at Columbia University. Ms. Abu El-Haj is a U.S. citizen member of AAUP and MESA. Her scholarship focuses on Zionism, Israel, and Palestine. In her work for the CPS, Ms. Abu El-Haj regularly collaborates with non-citizen scholars and students. As a Co-Director of CPS, she is uniquely positioned to testify about how the ideological deportation policy has affected her ability to hear from and associate with noncitizen scholars and students, including from two of the targeted noncitizens who are the focus of discovery in this case—Mahmoud Khalil and Mohsen Mahdawi. Ms. Abu El-Haj is also singularly positioned to describe how she has changed her speech and activity, including by cancelling CPS events, to avoid drawing negative attention to her vulnerable noncitizen students and colleagues, demonstrating that the government's actions have harmed citizens' right to hear and to speak.

14. Ms. Abu El-Haj is currently a visiting scholar at the German Orient Institute in Beirut, Lebanon. She is in Beirut with her spouse, who has recently become a cabinet member of the Lebanese government under Prime Minister Nawaf Salam, and with their daughter. She is

expected to remain in Beirut until mid-August to complete her term as a visiting scholar at the German Orient Institute.

15. Because of ongoing instability and volatility in Beirut, Ms. Abu El-Haj cannot change her travel plans to return to the United States for trial.

16. Attached as **Exhibit A** to this declaration is a true and correct copy of a transcript of the Case Management Conference held on May 6, 2025.

17. Attached as **Exhibit B** to this declaration is a true and correct copy of a transcript of the Status Conference held on May 22, 2025.

18. Attached as **Exhibit C** to this declaration is a true and correct copy of a transcript of the Motion Hearing held on June 2, 2025.

19. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: New York, New York
June 25, 2025

/s/ Noam Biale
Noam Biale